

File No. 13-05

Serial Nos. 1-4

1905.

GENERAL AND REVENUE SECRETARIAT.

(III ^{1 2 3 4} Courts)

Part A: Manuscript
for September 1905.

Serial Nos. 1-4.

Applications for extradition being
sent by courts direct to the
Residency instead of thro' the Govt.

GENERAL AND REVENUE SECRETARIAT

(faint)

NOTES.

File. No 13

FILE HEADING.

~~The Hon. Secy. to the Govt. has to send their application~~
~~for extension, being sent by the Secy. to the Govt. instead of thro'~~
~~the Govt.~~

From.

The. Just. Secy. to the Govt. the. Secy. to the Govt.

No. 3759 Dated 6/7/05 Received 6/5/05

Diary. No. 68

Enclos.

Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests to be favored with the views of the Secy. to the Govt.
in consultation with the Chief Secy.
proposal in question, & that it will simplify
the procedure & be in conformity with what obtained in
British India.

NOTES AND ORDERS.

1. Subd with a draft to the Secy. to the Govt. of the
Chief Secy. for favor of obtaining the views
of the Chief Secy. in the matter.
2. The Chief Secy. to the Govt. is to make
the proposal made is most
suitable in every way, and for the

Serial
No.

8. The reply proposed is suitable.
The necessary orders may be
issued in due course i.e. on
hearing from the Presidency.

[Signature]
2/8/05

[Signature] D. C. S.

2/8/05

7973

13-8-05
9. 05/05

up to Council
sent Wednesday
P.M. 11

7. VIII. 05

1936

10. To Council clerk

B.R. Jadhav
8.8.05 8/8/05

The papers were duly circulated & returned
to Dewan.

8.8.05

11. A year's statistics may be
collected as to how many cases were referred to
for warrants
off for warrants & in how
many the warrants were refused

9. VIII. 05

To B.R. Jadhav

8.8.05
rule 8-05

12. Statistics for 1904-05

20 of applications for
received for extradition warrants

10 of cases in
which application
was refused by court

10 of cases in
which application
was refused by court

47 involving 75 persons

nil

nil

OK S. N. 14/7/05

[Signature] K. J. S. (Munshi)

14/7/05

Submitted to the Secy.

2/30
16.8.05

[Signature]
12.8.1905

GENERAL AND REVENUE SECRETARIAT.

12/3/05
Matter for Council Meeting to be held on the 9th Aug. 05
at Bangalore.

Subject.

Letter from the Presidency asking for the views of the Durbar about the District Magistrates being authorized to carry on direct correspondence with the Presidency in regard to the issue of warrants under the Foreign Extradition Act

Circulated to Councillors.

By Order,

K. S. Srinivasengar
Secretary.

8/8/1905.

Rajamanthra Pravinia

1. C. Sreenivasengar Esqr.
First Councillor

Seen by the
Councillor

2. Rao Bahadur

C. Madiah Esqr.
Second Councillor

His proposal
may be
accepted

8/3/11

25/8/05

G. R. S. 17

Serial
No.14. *Under review* I am disposed
to *waive* the present practice

18. VIII. 5. 1905

15. Circulate again *B.K. Venkatarangiah*
19. 8. 1905

Sub to Register

SR
21/8/05Mule
21/8/05

16. Circulated again to the 1st and 2nd

Councillors -

21/8/05

B.K. Venkatarangiah

17. Before sending this out - please
note the refusals in other
years*. There are instances
of the sameB.K. Venkatarangiah
21. 5. 05

18. Statistics for the 3 previous years are tabulated -

Year	No. of appls. Calms received for extradition was out.	No. of cases in which appls. Calms was refused by govt.	No. of Cases in which appls. Calms was refused by the govt.	No. of cases in which appls. Calms were not refused by the govt.
1901-02	33 including 52 persons.	2	nil.	are.
1902-03	30 58 persons.	2	nil.	are.
1903-04	43 72 persons.	5 Cases including 10 persons.	3 persons nil.	are.
1904-05	75 11 persons.	nil	nil	are.

Sub to Register

SR
23/8/05

19. Now, circulate -

B.K. Venkatarangiah
23. 8. 0520. *Is* B.K. Venkatarangiah

Serial
No.

11 I am thankful to the Secy for pointing out the mis-prediction of the course proposed.

12 On further consideration I find that the only thing to be said in favor of the proposed change is the avoidance of some delay against which however we have to be set off -

(1) the want of certainty by the ^{Durbar} ~~Government~~ before abolition are returned for further investigation or are absolutely refused for want of sufficient evidence, or are kept up when satisfied that there is a good prima facie case.

(2) the natural hesitancy on the part of our Master to ask the Residency for a reconsideration in the event of a non-compliance with their requisitions, while the Durbar ~~express~~ in such cases can, with greater freedom go up to the President ^{with} after, or without, ordering a further inquiry and obtaining additional information or

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fresh evidence. It is also
~~highly important~~ ^{desirable} than in so important
 a matter as an Extradition
 Proceeding, the initiation and
 progress of correspondence with
 the President should rest with
 the Durbar as heretofore instead
 of being delegated to subordinate
 officers as suggested. The pre-
 sent practice has led to no
 less an inconvenience and,
 while thanking the President for
 his ^{kind} suggestion & complementary
 reference, we may say that
 all things considered the
 balance of advantage is in
 the Durbar's opinion in favor
 of the continuance of the
 existing practice. We may add
 that the chief points ^{are not better} ~~have~~ their
 own merits in regard to the
 advisability of the change, for
 they ^{have all} ~~are all~~ suggested a trial being
 given and observed that if the
 proposed procedure is, on
 such trial, found unsatisfac-
 tory it may be discontinued.

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Indian

As as to the simplification of the
procedure in the direction of
conformity with that followed
in British India, it is believed
that the Magistrate & the Police in British
correspond direct with each
other in such matters in
British India, and that
the intervention of a higher
authority is not required there
as in the case
as in a Native State like
Mysore -

C. D. C.S.
25/8/05

23. I understand there is
much force in the
1st Commissioner's nat. whom
I have mentioned & con-
sider that the proposal
made by the Presidency
may be given a trial
for a short time. And
of a total no of 153 applications
for warrants made during
the last 4 years, Govt. refused
to comply in 9 cases & the
Presidency only in two cases
submitted to the
Dewan Sahib 25/8/05

W. J. Staley A Mysore

219/05
3/5/05

25. Do. of Mysore the undersigned from
the drawing to Mr. Staley. (Chief Judge)
25. My dear Mr. Staley,

With reference to
your official letter No $\frac{661}{33}$, dated
22nd July 1905, ~~reg~~ about the
direct submission of requisitions for
the issue of extradition warrants
by the District Magistrate to
the Residency. I beg to draw your kind
attention to certain features of the
case. ~~The following are the~~
~~features of the case~~ You recommend
that the proposed procedure may
be given a trial and that it may
be discontinued if found unsatis-
factory. The conferment of this power

This letter was despatched
yesterday -
3.11.05

on our Comts would have been shaped
under the Rules. It would doubtless
be complimentary to the Comts concerned;
but it ~~could~~ ^{cannot} not be withdrawn ~~without~~
in case the experiment fails, without
implying damaging reflections on
the recipients of the power. A
much better course would be to

Consider whether any change is
really called for and what would
be the effects of the change, if
accepted. The present system is
admittedly working well; and
no such delays have occurred in
practice as would warrant the
proposed change. Hence the necessity
for an alteration of the ~~existing~~ existing
procedure is not clear. Besides,
(1) the suggested modification would
deprive the Govt of their adminis-
trative control in the matter of

W 13/08/88

11

Extradition warrants, (1) It would naturally create hesitancy on the part of our Magistrates to ask the Resident for a reconsideration of the case in the event of a non-compliance with their requisitions, while the Govt. can with greater confidence & freedom go up to the Resident in similar circumstances.

The matter of extradition is so important that the Govt. should not distrust themselves of the power of scrutinizing the proceedings of the subordinate magistracy.

^{as exercised}
The supposed analogy ~~addressed~~ between the British Indian Courts and our Courts is not strictly correct.

During the past three years the Govt. have declined to apply for warrants in many cases, a circumstance that shows that

12
the check in the Gal-Office is not
merely nominal. I shall fold it up

if you can kindly consult your
colleagues again and send me

~~the~~ your opinions after a
consideration of the question in
the light of the aspects now put

forward. Many of these may
probably have struck you already;

but the importance of the question is
so great as to necessitate ^{a still ~~more~~} ~~a still~~

^{clear} ~~thorough~~ examination. Please

Excuse trouble. If you like, I shall discuss the subject with you.

Yours sincerely,

No 5720

Under Secretary
Vice Secretary
not this - 2 out
an intermediate
rps
10.11.05
to do hall



BANGALORE.

8th September 1905.

My dear Dewan

Please see my letter 3759, dated 6th July 1905, and my two subsequent reminders Nos. 4369 and 4740, dated respectively the 7th and 24th August on the subject of authorizing some of the Courts in Mysore to submit requisitions for extradition direct to the Resident.

Mr. Williams will be much obliged if you will regard this matter as urgent and let me have the Durbar's reply at the earliest possible date.

Yr. very truly
R. Williams

Sir P.N. Krishna Murti, K.C.I.E.,

Dewan of Mysore.

Rk

14
Camp Yedakalle

10. 9. 55

My dear Mr. Mess King,

With reference to
your letter No 5120, dated
the 8th Sept instant, I am to
state in reply that the matter of
authorizing some of the courts in
Mysore to submit requisitions for
extradition direct to the Resident
is ~~now~~ under correspondence between
the Govt. & the Chief Court. The
urgency of the matter ^{will be borne} ~~will be borne~~ in
mind and no time ^{needless} will be lost
in sending you a formal reply.

Yours sincerely

CV 2139/05-28

15
Camp Yedahalli
10/9/08

28

My dear Mr Staley,

The Resident wants
a very early reply in the matter
of authorizing some of our Combs
to submit requisitions for Extradition
direct to the Resident. I shall
feel obliged for ^{an} early expression
of opinion by the Chief Court.

Respectfully

Yours sincerely

it without reference to us. Yours sincerely
L. L. the 2nd
it is best for the Government of Mysore to decide
to the question of paying us some aid, and
in order of expenditure amounts on the latter. It
only they should not be as much hindered, in the
been dealing for many years, and I do not see
of British Districts with whom we have
be as favorable than the British. I suppose
- for we thought in their political work and
not less and I think considerably more so
the District. Registers of Mysore are certainly
has little been passing. All I can say is that
- ministerial looked in the matter of expenditure
proposed change. The Government having had as

proposed change. The Government having had administrative control in the matter of extradition warrants hitherto alone know how far that control has hitherto been necessary. All I can say is that the District Magistrates of Mysore are certainly not less and I think considerably more careful and thorough in their judicial work and legal knowledge than the District Magistrates of British Districts with whose work I have been dealing for many years, and I do not see why they should not be as much trusted, in the matter of extradition warrants as the latter. As to the question of policy we have no data, and it is best for the Government of Mysore to decide it, without reference to us.

Yours sincerely
A. S. Stanley

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter of the proposed amendment to the Constitution of the State of New York. I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours very truly,
 J. B. Thompson

~~Enclosure with above~~
Opinions.

I have nothing to say against the Government being the medium of communication with the Residency in this matter.

2) It is also true that the Government may be able to urge an application for warrant with stronger force than a District Magistrate. But there is nothing to show that the District Magistrate cannot invoke the aid of Government if the Residency should refuse his application.

3) It must also be considered that the proposal of the Dewan will amount to a confession of distrust in our District Magistrates and add to unnecessary centralization of work in

the

the Secretariat

I think that in the interests of administrative efficiency it is desirable to give the power to District Magistrates and see that they do their work well

9.9.05 (Signed) A. Ramaswamy Sengar

I do not think there is any necessity to alter the existing procedure

10.9.05 (Signed) A. V. Sampundaraya

7 / Copy
Saraswathi
for Registration

U 213 qv8-88 17

3 (Submitted to His Highness.

27.

The accompanying records contain a discussion of the question whether some of the Magisterial Courts of Mysore may be authorized to apply for extradition warrants direct to the Resident. The proposal emanated from the latter and has been considered by the Council and the Chief Court.

28.

The Chief Court at first said that the proposal might be tried and given up, if found unsatisfactory. It was considered expedient to refer the question for their re-consideration explaining its pros and cons to some extent.

(Vide my letter dated the 2nd September 1905).

One of the Judges does not see the necessity for the proposed change. The second Judge is in favor of it though he has nothing to say against the retention of administrative control by the Government in extradition matters. The Chief Judge thinks that our District Magistrates can

A
1
9
11/11/05

be trusted with the suggested power; but he adds that the Government alone can best judge of the need for retaining in their hands the administrative control and of the policy of allowing subordinate Magistrates to correspond directly with the Residency.

23 - In the Council, the Second Councillor is in favor of introducing the rule as an experiment. The First Councillor and I are opposed to the change. In the first place, there is no necessity for any alteration. There have been no delays; and as the Resident admits, the existing system has been working well. In the second place, it is inexpedient to transfer the administrative control in extradition matters from the Government to the Resident. Extradition questions are not merely formal, but often involve a careful weighing of the evidence forthcoming against the accused. Beyond the fact that it may be viewed as complimentary to our Magistrates to invest them with the power to correspond directly with the Resident in this matter, no other advantage results from the proposal

21
W.A.S.

26 7 134/05286 19

under consideration; while the disadvantages are
over bearing.

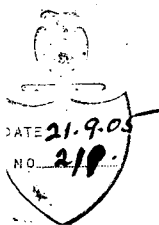
20 In these circumstances, I beg to pro-
pose that a reply may be sent to the Resident
thanking him for the proposal, but pointing out
that the Government of His Highness consider it
inexpedient to alter the existing system as it
has been admittedly working well.

20.11.05 and

cl. 2. 13 yrs - 06

Record of Case submitted for the orders
of His Highness the Maharaja.

Subject.



Question of authorizing some of the Magisteri-
al Courts of Mysore, to apply for Extradition
Warrants direct to the Resident.

Order.

31

I agree with the Dewan.

KRW

25/9/05

32

regards
Heavenly
27.11.05

Serial
No.

4

In the 18th Assistant to the District
Resident in Mysore N. No. 162 of the 30th Sep 05.
States that the Districts think it
unexpedient to alter the existing system
which serves to combine their indispensable
administrative control over the District
Magistrates in such an important
matter as Retention.

968
Letter No. 3759 8th July 1905

FROM
111-6-7-05

R. C. H. MOSS. KING, Esq., I. C. S.,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To
P. no 2006-7-05

The Dewan of Mysore.

Dated Bangalore, 6th July 1905.

SIR,

S No 1
I am directed to invite a reference to my endorsement No. 2773, dated the 8th June 1904, forwarding a copy of a Notification of the Government of India in the Foreign Department No. 1862 I.A., dated the 13th May 1904, containing rules issued under the Indian (Foreign jurisdiction) Order in Council, 1902, and sections 22 of the Indian Extradition Act, 1903 (XV of 1903).

2. Rule 2 of the said rules provides that an extradition warrant may be issued by the Resident on the request preferred to him in writing either by or by the authority of the person for the time being administering the Executive Government of the State or by any court within the State which has been specified in this behalf by the Governor General in Council. As you are aware, requisitions for the issue of extradition warrants are at present made only by the Durbar at the instance of the local authorities, and the question has been raised whether some of the Courts in Mysore may not, with advantage, be authorized to submit requisitions for extradition direct to the Residency, instead of through the Durbar.

3. The existing practice has doubtless worked well,
but

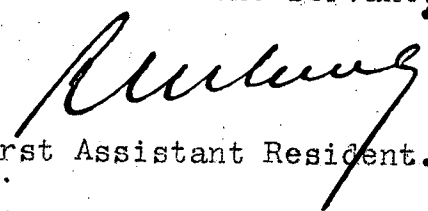
but it is possible that it may give rise to undesirable delays in
in particular cases
securing extradition, and, moreover the submission of requisitions
direct by District Magistrates would simplify the procedure in the
direction of conformity with that followed in British India. Finally
it is hoped that the conferment of these new powers upon responsible
Courts in the State will be regarded by His Highness' Government as
a complimentary acknowledgment of the manner in which such Courts
discharge their judicial functions.

4. Mr. Williams will be glad to be favoured at an early date
with the views of the Durbar who will no doubt obtain from the Chief
Court of Mysore an expression of their opinion in the matter.

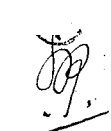
I have the honour to be,

Sir,

Your most obedient servant,



First Assistant Resident.



~~at 12/13/05~~
~~see 8/12/05~~
~~them.~~

[Letter No. 3755 dated the
6th July 1905 from the Hon. Secy
to the Govt. the President of the
to the Dewan of Mysore]

Memo No. 8 ¹⁶³ 8/12/7/08
C: 13 of 2
Copies of the above is for-
warded to the Registrar of the
Chief Court of Mysore, with
a copy of the rules under the
Indian Retention Act of
1903 published with the first Progs
No. 32740-8 of the 10th June 1905
with the request that the views
of the Chief Court in the
matter may be obtained and
forwarded to this office as
early as possible.

By order
A. V. S. S. S. S. S.
8/12/05

8/12/05

Copied by 11/7/05-
Examined. S. H.
11/7/05

66/
33

CL 2139/05
S No 3
Letter No 661 D
J 226
Bamptne, 22 July 1905.

From -

T. J. Rajaratne Moodlicar Esquire,
Registrar, Chief Court of Mysore.

To,

B. K. Venkataswamiah Esquire,
Secretary to the Government of Mysore,
General and Revenue Dept.

111-1005
and
26-7-05

Referring to your No ¹⁰³/_{C 13-2} dated the 12th Instant,
I am directed to state that the Chief Court would
advise that a trial be given to the proposal
contained in the letter from the Joint Assistant
to the Resident, dated the 6th Idem, and direct
Magistrates allowed to submit petitions for
the issue of extradition warrants direct to the
Residency. If the proposed procedure is
on trial, found unsatisfactory it may
be discontinued.

I have the honor to be,

Sir,

Your most obedient servant,

Alayath Narayana

Registrar.

808

CV 2131
86 N 4

~~Vizimangal~~

~~Letter to Mr. W. B. D. M. 30.9.05~~

From B. K. Venkataratnam & Co. J. A.
Eng. Secy & Genl. Secy, J. A. Secy
K.

~~Ref. No. 262 of 30.9.05~~

R. C. H. - Miss King & Co. Secy
to the
Joint Am. Cant. Resident
in Mysore.

Sgt.

S. M. 4

I am directed to
acknowledge with thanks the receipt
of your letter No 3759, dated the
6th July 1905, enquiring whether
some of the Courts in Mysore may
not be authorized to send
requisitions for extradition warrants
direct to the ~~Resident~~ Honble the
Resident.

2. The Govt. of His Highness the
Maharaja consider it expedient
to alter the existing system which

has unquestionably been working
well and which serves to
continue their indispensable administrative
control over the ^{District Magistrates} ~~magistrates~~
~~in the~~ in such an important
matter as extradition.

Copied 30.9.05.

Examined. 30.9.05

W.H.
28.11.05

W.H.
28/11/1885

III
run
30.9.05

Enclosures

nil.

W.H.